

\STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 5th day of March, 2012 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor
Phillip Hyatt Mayor Pro Tempore
James A. Mills Council Member
Ross McElwee Council Member
Vickie Abrego Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
Reggie Winters City Manager
Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Earl Buckmaster Harbor Master
Rick Kilgore Fire Chief

OTHERS PRESENT:

There may have been others present who did not sign in.

- 1. CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 P.M. on March 5, 2012.
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States Flag.
- 3. CONSIDER AND ACT ON MINUTES OF FEBRUARY 20, 2012.**

Council Member Mills made a motion to approve the minutes of February 20, 2012 with corrections. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.
- 4. CONSIDER AND ACT ON ORDINANCE NO. 2012-4004 – AN ORDINANCE AMENDING SEC. 13-36, OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS; PROVIDING FOR A REPEALER CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

Council Member McElwee made a motion to adopt Ordinance No. 2012-4004 – an Ordinance amending Sec. 13-36, of the Code of Ordinances of the City of Aransas Pass, Texas; providing for a repealer clause, and providing for an effective date. Council Member Abrego seconded the motion and the motion carried with Mayor Pro Tem Hyatt and Council Member Mills voting no and Mayor Knight breaking the tie.
- 5. CONSIDER AND ACT ON ORDINANCE NO. 2012-4005 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, PROVIDING DATE AND TIME OF THE 2012 CITY GENERAL ELECTION TO BE CONDUCTED BY THE CITY OF ARANSAS PASS ELECTION ADMINISTRATOR; FOR EARLY VOTES CAST ON DIRECT RECORDING ELECTRONIC (DRE) VOTING SYSTEM AND BY PAPER BALLOT; PROVIDING PLACE AND PRECINCT NUMBERS WHERE ELECTION IS TO BE HELD; PROVIDING RATE OF PAY PER HOUR FOR JUDGES AND CLERKS; AND, PROVIDING DATE AND TIME OF EARLY VOTING.**

Council Member Mills made a motion to approve Ordinance No. 2012-4005 – An ordinance of the City of Aransas Pass, Texas, providing date and time of the 2012 City General Election to be conducted by the City of Aransas Pass Election Administrator; for early votes cast on Direct Recording Electronic (DRE) voting system and by paper ballot; providing place and precinct numbers where election is to be held; providing rate of pay per hour for judges and clerks; and, providing date and time of early voting. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

6. **CONSIDER AND ACT ON APPROVING MANHOLE INSTALLATION FOR THE BLOSSOM LIFT STATION REHABILITATION PROJECT.**

Dave Underbrink, Naismith Engineering, stated under the original grant with TxCDBG, the City of Aransas Pass would install the manholes for the Blossom Street Lift Station Rehabilitation Project for their in-kind match. He stated the City of Aransas Pass did not have the correct safety equipment to perform the manholes because of the depth of the sewer. He stated Naismith requested bids for the installation of manholes for the Blossom Street Lift Station Rehabilitation Project and Mercer won the bid.

Council Member McElwee made a motion on approving manhole installation for the Blossom Street Lift Station Rehabilitation Project by Mercer Construction. Council Member Mills seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT ON APPROVING PROCEDURES AND PRICING FOR THE ARANSAS PASS CIVIC CENTER.**

City Manager Winters stated he was presenting the same project he presented at the February 20, 2012 Council Meeting with the Councils requested corrections.

Mayor Pro Tem Hyatt made a motion to approve Procedures and Pricing for the Aransas Pass Civic Center. Council Member Abrego seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON MODIFYING THE CITY OF ARANSAS PASS' CODE OF ORDINANCES, CHAPTER 13 – HARBORS AND WATERWAYS, SECTION 13-11. – SPEED LIMITS.**

Mayor Tommy Knight stated he had this item placed on the agenda because he had complaints on boats creating large wakes in the Aransas Pass waterways. He stated Texas Parks and Wildlife could enforce our ordinance but, at the moment, the ordinance is vague. He stated this would affect all boats using the Aransas Pass waterways.

Council Member McElwee stated people should watch their wakes and asked Mayor Knight if he wanted to stop all traffic in the Aransas Pass waterways.

Mayor Knight stated no, only in designated areas using no wake signs.

Council Member Abrego made a motion to authorize City Manager Winters to look into modifying the City of Aransas Pass' Code of Ordinances, Chapter 13 – Harbors and Waterways, Section 13-11. – Speed Limits. Council Member Mills seconded the motion and the motion carried with Council Member McElwee voting no.

9. **CONSIDER AND ACT ON ARANSAS PASS MUNICIPAL DEVELOPMENT BOARD MEMBER NANCY DAVIS' RESIGNATION.**

Council Member Mills made a motion to accept Aransas Pass Municipal Development District board member Nancy Davis' resignation. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

10. **CITIZENS COMMENTS.**

Mr. Mike Moore agreed with Council Member McElwee on not modifying the speed limit ordinance. He stated speed limit signs had been ordered for Conn Brown Harbor Waterways and is expected to be in, in the next 30 days.

Mr. Thomas Estes, Hooked-Up RV Park located at 2020 Hwy 35 North (formerly known as Bart's RV), stated on February 19, 2012 the RV Park had a mobile home fire. He asked the Council if

it would be possible to have a fire hydrant installed closer to the RV Park. He stated the closest fire hydrant was 2/10th of a mile from the RV Park.

Mayor Knight stated, under Citizens Comments, the Council could not answer his question but would put his request on the agenda for the next council meeting Monday, March 19, 2012.

Harbor Master Earl Buckmaster asked the Council when the new mooring fees would take effect.

City Attorney Allen Lawrence stated tonight Monday, March 5, 2012.

11. **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Knight recessed Regular Meeting at 7:18 P.M. and retired to Executive Session.

A. **SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – I.C.W. RV PARK**

B. **SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – THE FUZZY TACO**

C. **SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – CITY OF INGLESIDE VS CITY OF ARANSAS PASS**

D. **SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – MARTIN ORTIZ VS CITY OF ARANSAS PASS**

12. **RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Knight reconvened the Regular Meeting at 8:32 P.M.

A. **SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – I.C.W. RV PARK**

Council Member Mills made a motion to approve a Harbor Lease Agreement between I.C.W. RV Park, Kenneth Thompson, and the City of Aransas Pass with amendments made during Executive Session. Council Member McElwee seconded the motion and the motion carried unanimously.

B. **SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – THE FUZZY TACO**

No action taken.

C. **SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – CITY OF INGLESIDE VS CITY OF ARANSAS PASS**

Council Member McElwee made a motion to Authorize City Manager Winters to notify City Manager Jim Gray of Ingleside that the City of Aransas Pass would install their (City of Aransas Pass') own waterline in the City's ETJ on FM 2725. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

D. **SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – MARTIN ORTIZ VS CITY OF ARANSAS PASS**

No action taken.

13. **ADJOURNMENT OF MEETING.**

Council Member Mills made a motion to adjourn the meeting. Council Member Abrego seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:35 P.M.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary